

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAWN LEE BUTTS,

Defendant.

CR 22-33-M-DWM

ORDER

Before the Court is the United States of America's Unopposed Motion for Final Order of Forfeiture. (Doc. 52.) Having reviewed that motion, the Court finds:

1. The United States commenced this action pursuant to 18 U.S.C. § 924(d).
2. A Preliminary Order of Forfeiture was entered on November 8, 2022. (Doc. 47.)
3. All known interested parties were provided an opportunity to respond and publication has been effected as required by 21 U.S.C. § 853(n)(1). (Doc. 51.)
4. Dan Butts filed a claim for the Remington Arms Company, Inc. 581 Rifle, Cal. .22, SN 1270135 and 600 rounds CCI ammunition, Cal. .22 on July 7, 2022. The United States agrees that Dan Butts' petition should be granted and the Remington Arms Company, Inc. 581 Rifle, Cal. .22, SN 1270135 and 600 rounds CCI ammunition, Cal. .22 should be returned to him.

5. David Scherping filed a claim for the Ruger Super Redhawk Revolver, Cal. .44, SN 530-42621, Remington Arms Company, Inc. Rifle, Cal. .308, SN ZA700606096, 6 rounds of assorted ammunition, Cal. .44, 3 rounds of Federal ammunition, Cal. .308, and 204 rounds assorted ammunition, Cal. unknown on July 20, 2022. The United States agrees that David Scherping's petition should be granted and the Ruger Super Redhawk Revolver, Cal. .44, SN 530-42621, Remington Arms Company, Inc. Rifle, Cal. .308, SN ZA700606096, 6 rounds of assorted ammunition, Cal. .44, 3 rounds of Federal ammunition, Cal. .308, and 204 rounds assorted ammunition, Cal. unknown should be returned to him.

6. It appears there is cause to issue a forfeiture order under 18 U.S.C. § 924(d).

Accordingly, IT IS ORDERED that:

1. The motion for final order of forfeiture (Doc. 52) is GRANTED.
2. Judgment of forfeiture of the following property shall enter in favor of the United States pursuant to 18 U.S.C. § 924(d), free from the claims of any other party, the following property:

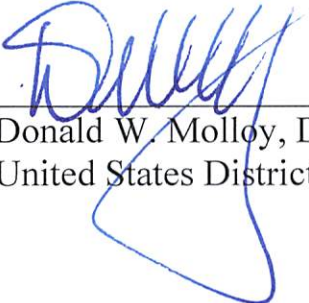
- Ruger Super Redhawk Revolver, Cal. .44, SN 530-42621
- Remington Arms Company, Inc. Rifle, Cal. .308, SN ZA700606096
- Remington Arms Company, Inc. 581 Rifle, Cal. .22, SN 1270135
- 6 rounds of assorted ammunition, Cal. .44
- 3 rounds of Federal ammunition, Cal. .308
- 8 rounds CCI ammunition, Cal. .22
- 600 rounds CCI ammunition, Cal. .22
- 204 rounds assorted ammunition, Cal. unknown

3. Pursuant to the petition filed by Dan Butts filed on July 7, 2022 and agreement by the government, the United States is directed to return the Remington Arms Company, Inc. 581 Rifle, Cal. .22, SN 1270135 and 600 rounds CCI ammunition, Cal. .22 to Mr. Butts.

4. Pursuant to the petition filed by David Scherping on July 20, 2022 and agreement by the government, the United States is directed to return the Ruger Super Redhawk Revolver, Cal. .44, SN 530-42621, Remington Arms Company, Inc. Rifle, Cal. .308, SN ZA700606096, 6 rounds of assorted ammunition, Cal. .44, 3 rounds of Federal ammunition, Cal. .308, and 204 rounds assorted ammunition, Cal. unknown to Mr. Scherping.

5. The United States shall have full and legal title to the forfeited property and may dispose of it in accordance with law.

DATED this 6th day of February 2023.



Donald W. Molloy, District Judge
United States District Court